

IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

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CLERK *m. James*
SO. DIST. OF GA.

UNITED STATES OF AMERICA)
)
 v.)
)
 ISAIAH JOHNSON,) CASE NO. CR407-164
)
 Defendant.)
)

O R D E R

Before the Court are the following motions filed by Defendant Isaiah Johnson: Motion to Dismiss for ineffective assistance of counsel (Doc. 41) and Motion for New Trial (Doc. 43). Defendant claims that his counsel failed to object at trial, refused to allow him to participate in the jury selection, and failed to use all potential evidence on Defendant's behalf. Defendant also claims that there was insufficient evidence to support the verdict against him. After careful consideration and for the following reasons, the Motions are **DENIED**.

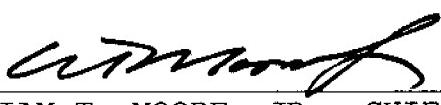
Defendant was convicted on October 24, 2007 of three counts of possession of a firearm by a convicted felon. During trial, eyewitness testimony and documentary evidence established that Defendant and his girlfriend shopped for and purchased firearms. The evidence also showed that Defendant later pawned one of the firearms. Police

officers testified that the other firearm was discovered in Defendant's truck during a traffic stop.

To prevail on a claim for ineffective assistance of counsel, a defendant must show (a) that counsel's performance was deficient and (b) that the deficient performance prejudiced the defense. Strickland v. Washington, 466 U.S. 668, 687, 104 S. Ct. 2052, 80 L. Ed. 2d 674 (1984). The Court finds that Defendant has made neither showing. Particularly with respect to Defendant's claim that he was prevented from participating in jury selection, the Court notes that it clearly observed Defendant actively participating in jury selection by communicating with his counsel throughout the process.

Furthermore, with respect to Defendant's Motion for New Trial, the Court finds that the verdict is supported by the evidence presented at trial. Accordingly, Defendant's Motion to Dismiss and Motion for a New Trial are **DENIED**.

SO ORDERED this 16th day of November, 2007.



WILLIAM T. MOORE, JR., CHIEF JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA